

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Michael A. Back,

Plaintiff,

v.

Case No. 2:15-cv-2831

Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the July 18, 2016, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge recommended that the court reverse the Commissioner's nondisability finding and remand this case to the Commissioner and the Administrative Law Judge under Sentence Four of §405(g).

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the report "will result in a waiver of the right to have the district judge review the Report and Recommendation *de novo* and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 19, p. 17. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court adopts the report and recommendation of the magistrate judge (Doc. 19). The plaintiff's statement of errors is sustained, the Commissioner's nondisability finding is reversed,

and this case is remanded to the Commissioner and the Administrative Law Judge under Sentence Four of §405 for further proceedings in accordance with the report and recommendation. The clerk is directed to enter judgment reversing the decision of the Commissioner.

Date: August 18, 2016

s/James L. Graham
James L. Graham
United States District Judge